

# In the Court of Appeals of the State of Alaska

**David Alan Linden,**  
Appellant,

v.

**Municipality of Anchorage,**  
Appellee.

Court of Appeals No. **A-13097**

## **Order**

Date of Order: **November 16, 2020**

Trial Court Case No. **3AN-17-00680CR**

Before: Allard, Chief Judge, and Wollenberg and Harbison, Judges.

David Allen Linden was convicted of assault, family violence, and tampering with official proceedings under the Anchorage Municipal Code.<sup>1</sup> On appeal, Linden argues that the failure to merge the jury’s verdicts for assault and family violence into a single conviction violates the prohibition against double jeopardy.

In its responsive brief, the Municipality argues that separate convictions are constitutionally permissible. In support, the Municipality cites the Assembly minutes from July 18, 2000, which it characterizes as “the meeting at which the [family violence] ordinance was created.” At that meeting, one of the Assembly members apparently referred to prior meetings in which the same issue had been before the Assembly.

Although the Municipality relied on the legislative history in its brief, the Municipality did not provide the legislative history to the Court. The Court attempted to obtain the legislative history independently and was unable to do so.

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<sup>1</sup> AMC 08.10.010(B)(1), AMC 08.10.050(B), and AMC 08.30.080(A)(3), respectively.

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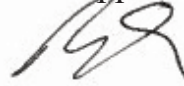
Accordingly, **IT IS ORDERED:**

1. The Municipality of Anchorage shall provide to the Court all of the existing legislative history of the family violence ordinance, AMC 08.10.050. This history shall include the Assembly minutes, any available audio recording of Assembly meetings, and any documents and memoranda considered by the Assembly in connection with consideration and enactment of this ordinance and any subsequent amendments.

2. The Municipality shall provide this information to the Court on or before **December 4, 2020.**

Entered at the direction of the Court.

Clerk of the Appellate Courts



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Ryan Montgomery-Sythe,  
Chief Deputy Clerk

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